

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
BENJAMIN A. BRUMMETT,

Plaintiff,

-v-

CAPITAL ONE BANK (USA) NATIONAL
ASSOCIATION, et al.,

Defendants.
-----X

21-CV-0604 (JMF)

ORDER OF DISMISSAL

JESSE M. FURMAN, United States District Judge:

The Court having been advised at ECF Nos. 8 and 9 that all claims asserted herein against Defendants Trans Union LLC and Capital One Bank (USA) National Association have been settled in principle, it is ORDERED that the all claims against those Defendants be DISMISSED and discontinued without costs, and without prejudice to the right to reopen the action **within sixty days** of the date of this Order if the settlement is not consummated.

To be clear, any application to reopen **must** be filed **by the aforementioned deadline**; any application to reopen filed thereafter may be denied solely on that basis. **Further, requests to extend the deadline to reopen are unlikely to be granted.**

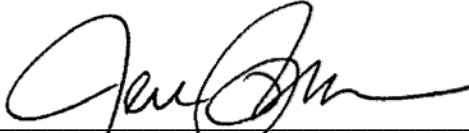
If the parties wish for the Court to retain jurisdiction for the purposes of enforcing any settlement agreement, they **must** submit the settlement agreement to the Court by the deadline to reopen to be “so ordered” by the Court. Per Paragraph 4(B) of the Court’s Individual Rules and Practices for Civil Cases, unless the Court orders otherwise, the Court will not retain jurisdiction to enforce a settlement agreement unless it is made part of the public record.

Plaintiff is directed to serve a copy of this Order on any party which has not yet appeared and file proof of service **within two business days of this Order**.

The Clerk of Court is directed to terminate Defendants Trans Union LLC and Capital One Bank (USA) National Association. The Clerk of Court should *not* close the case given that the claims remain pending against Defendant Equifax.

SO ORDERED.

Dated: February 22, 2021
New York, New York



JESSE M. FURMAN
United States District Judge